

Gerald M. Needham, OSB # 96374  
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Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF OREGON**  
**PORTLAND DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**ELLIOTT ERNEST MEJIA,**

**Defendant**

**CR 11-285-HZ**

**AFFIDAVIT OF COUNSEL IN  
SUPPORT OF MOTION TO CONTINUE  
TRIAL DATE**

STATE OF OREGON            )  
  ) ss:  
County of Multnomah        )

I, Gerald M. Needham, being duly sworn, do depose and say:

1. I am counsel for Elliott Ernest Mejia.
2. Mr. Mejia has been indicted for two counts of Distribution of Heroin in violation of 21 U.S.C. §841 and one count of Felon in Possession of a Firearm in violation of 18 U.S.C. §922(g)(1).
3. September 27, 2011, is the first trial setting.

4. Defense counsel has received from the government 353 pages of discovery materials. Mr. Mejia made his initial appearance on July 25, 2011. The allegations concern events that occurred in May 2011. Defense counsel is in need of additional time to review discovery materials, interview potential witnesses, obtain records concerning Mr. Mejia's prior criminal history, conduct legal research, consult with Mr. Mejia, and otherwise properly prepare for trial.
5. Counsel has spoken with Mr. Mejia on a number of occasions concerning the need for the continuance. Counsel is specifically authorized to represent he consents to the continuance with the knowledge that the timeframe is excludable under the Speedy Trial Act pursuant to 18 U.S.C. §3161(h)(7)(A).
6. Assistant United States Attorney Fred Weinhouse has authorized counsel to represent the government has no objection to the requested continuance.
7. The timeframe of the requested continuance is excludable from Speedy Trial computations pursuant to 18 U.S.C. §3161(h)(7)(A), as additional time is required for pretrial investigation and trial preparation, and the ends of justice are better served by the granting of the continuance and outweigh the interests of the public and the defendant in a speedier trial.

DATED this 20th day of September, 2011.

/s/ Gerald M. Needham

Gerald M. Needham  
Attorney for Defendant

SUBSCRIBED AND SWORN to before me this 20th day of September, 2011.

/s/ Jennifer Louise Lillie

Notary Public for Oregon  
My commission expires: 3/22/2013